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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIAN QUINONES,

Plaintiff,

vs.

STUART WEITZMAN, LLC, ET AL.,

Defendants.

CASE NO. 18-cv-00053-YGR

**ORDER GRANTING DEFENDANT'S MOTION
TO DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION AND DISMISSING
CASE WITHOUT PREJUDICE**

Re: Dkt. No. 11

Defendant Tapestry, Inc. (incorrectly named as Stuart Weitzman, LLC, Stuart Weitzman Retail Stores, LLC, and Stuart Weitzman Holdings, LLC) filed its motion to dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) and for failure to state a claim pursuant to Rule 12(b)(6) on February 28, 2018. (Dkt. No. 11.) Plaintiff filed his responsive brief on March 14, 2018. (Dkt. No. 17.) Defendant filed its reply brief on March 20, 2018. (Dkt. No. 23.) The matter came on for hearing on May 29, 2018.

Having carefully considered the pleadings and papers submitted on defendant's motion, and oral arguments held on May 29, 2018, and as stated on the record on May 29, 2018, the Court hereby **GRANTS** defendant's motion to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1).¹ Accordingly, plaintiff's complaint is dismissed without prejudice to refiling this action in state court.

This Order terminates Docket Number 11.

IT IS SO ORDERED.

Dated: May 30, 2018


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

¹ Because the Court grants defendant's 12(b)(1) motion, the Court need not consider defendant's 12(b)(6) motion.